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Attorneys for Defendant  
T&D MOTOR COMPANY, INC. and  
CLASSIC RECREATIONS LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARROLL SHELBY, an  
individual, CARROLL SHELBY  
LICENSING, INC., a  
California corporation,  
SHELBY AUTOMOBILES, INC., a  
Nevada corporation, and  
CARROLL HALL SHELBY TRUST,

Plaintiffs,

v.

DENICE SHAKARIAN HALICKI, an  
individual, THE ORIGINAL  
GONE IN 60 SECONDS, LLC, a  
Delaware limited liability  
company, HALICKI FILMS, LLC,  
a California limited  
liability company, ELEANOR  
LICENSING, LLC, a Delaware  
limited liability company,  
T&D MOTOR COMPANY, INC., an  
Oklahoma company, CLASSIC  
RECREATIONS LLC, an Oklahoma  
limited liability company,  
Defendants.

CASE NO. C 09-mc-80118 WHA

(Case currently assigned in  
Central District of  
California, Case No. CV08-  
08004 SJO (PJWX))

STIPULATION OF THE PARTIES  
FOR CONTINUANCE OF HEARING  
ON MOTION TO QUASH; FILED  
CONCURRENTLY WITH  
[PROPOSED] ORDER AND  
DECLARATION OF JENNIFER A.  
CLINGO, ESQ.

Complaint Filed : 12/04/08

Selman Breitman LLP  
ATTORNEYS AT LAW

1 T&D MOTOR COMPANY, INC., AN  
2 OKLAHOMA COMPANY AND CLASSIC  
3 RECREATIONS LLC,

4 Counter-claimants

5 v.

6 CARROLL SHELBY, an  
7 individual, CARROLL SHELBY  
8 LICENSING, INC., a  
9 California corporation,  
10 SHELBY AUTOMOBILES, INC., a  
11 Nevada corporation, and  
12 CARROLL HALL SHELBY TRUST

13 Counter-Defendants

14 IT IS HEREBY STIPULATED AND AGREED, by the parties  
15 to this action, through their respective undersigned  
16 counsel of record, as follows:

17 1. This Court ordered a hearing for the  
18 Defendant's Motion to Quash Subpoena on June 17, 2009  
19 for Monday, June 22, 2009 at 3:00 p.m. The order setting  
20 the hearing was forwarded electronically to defense  
21 counsel.

22 2. Due to the unavailability of counsel for the  
23 parties and the reasons set forth in the declaration  
24 served concurrently herein, the parties request that the  
25 hearing be continued until the week of July 7, 2009.

26 3. The parties further agree that Plaintiff's  
27 opposition to the Motion to Quash Subpoena will be due  
28 two (2) days prior to the continued hearing date.

Selman Breitman LLP  
ATTORNEYS AT LAW

1           4. The parties will not be prejudiced by the  
2 continuance of the hearing for the discovery motion.  
3 Currently, the subpoenaed party Google, Inc. has  
4 received notice of the pending Motion to Quash Subpoena  
5 and is not producing any records until this matter is  
6 decided by the Court.

7           5. Considering the foregoing, the parties hereby  
8 request that this Court continue the hearing for the  
9 Defendant's Motion to Quash Subpoena to a date that is  
10 convenient for the Court during the week of July 7,  
11 2009.

12           6. This stipulation may be signed in counterpart  
13 and by facsimile all of which taken together shall  
14 constitute one in the same stipulation.  
15

16           IT IS SO STIPULATED AND AGREED.  
17  
18

19           DATED: June 22, 2009

SEDGWICK DETERT, MORAN  
& ARNOLD LLP

20  
21 By: 

22           ROBERT L. HELFING  
23           HEATHER L. MCCLOSKEY  
24           CAROLINE Y. BUSSIN  
25           Attorneys for plaintiffs  
26           CARROLL SHELBY; CARROLL  
27           SHELBY LICENSING, INC.;  
28           SHELBY AUTOMOBILES, INC. and  
CARROLL HALL SHELBY TRUST

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: June 22, 2009

SELMAN BREITMAN LLP

By: 

MONICA CRUZ THORNTON

JENNIFER A. CLINGO

Attorneys for Defendant  
T&D MOTOR COMPANY, INC. and  
CLASSIC RECREATIONS LLC

Selman Breitman LLP  
ATTORNEYS AT LAW

[PROPOSED] ORDER

Having read and considered the Joint Stipulation to Continue the Hearing on Motion to Quash Subpoena, the Court rules as follows:

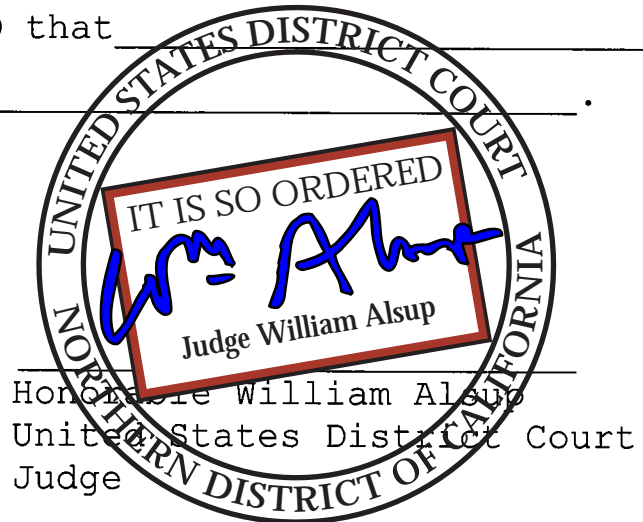
IT IS HEREBY ORDERED that the hearing for the Defendant's Motion to Quash Subpoena on June 22, 2009 is hereby continued to July 9, 2009. at 2:00 p.m.

IT IS FURTHER ORDERED that Plaintiff's Opposition to the Motion to Quash Subpoena must be filed by July 7, 2009.

IT IS FURTHER ORDERED that \_\_\_\_\_

IT IS SO ORDERED.

DATED: June 22, 2009



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ATTORNEYS AT LAW

**DECLARATION OF JENNIFER A. CLINGO**

I, Jennifer A. Clingo, declare and state as follows:

1. I am an attorney at law duly licensed to practice in the United States District Court, Central District of California and I am an associate with the law firm of Selman Breitman, LLP, counsel of record for defendant, CLASSIC RECREATIONS LLC (hereinafter "defendant"). I am personally familiar with the facts set forth in this declaration and if called upon as a witness, I could and would competently testify thereto.

2. On June 17, 2009, the Court sent electronic notice to counsel Monica Cruz Thornton regarding the Order Setting Hearing on Motion to Quash Subpoena. Ms. Thornton was out of state and did not receive the electronic notice from the Court until her return on Friday, June 19, 2009.

3. I attempted to contact this Court on June 19, 2009 regarding the June 22, 2009 hearing date and received the recording. I tried again at approximately 8:30 a.m. on Monday, June 22, 2009. The Court's clerk Dawn returned my telephone call at approximately 10:30 a.m. on June 22, 2009. She stated that the Court does not allow telephonic appearance and that this Court hears discovery motions on an expedited basis. As this case is venued in Central District and the motion is filed specially for the purposes of quashing a subpoena located in the Northern District, counsel was not aware of the Court's procedure for expedited notice for

1 discovery motions and hearing procedures.

2 4. On June 22, 2009, after I spoke with the  
3 Court's clerk, I contacted plaintiff's counsel Caroline  
4 Bussin regarding the Order. Plaintiff's counsel did not  
5 receive the Order from this Court. Although plaintiff's  
6 counsel is identified on the proof of service for the  
7 defendant's motion, plaintiff has not filed any  
8 documents in this matter with this specific Court and  
9 thus was not in the ECF system to receive electronic  
10 notice.

11 5. Plaintiff's counsel agreed that they would be  
12 available for a continuance of the hearing during the  
13 week of July 7, 2009, with the exception of Monday,  
14 July, 6, 2009. The Court's clerk reported that this is  
15 the next available time for hearing if it is not  
16 completed this week. Both plaintiff's and defense  
17 counsel agree to that week or later. This will allow  
18 plaintiff sufficient time to prepare an opposition to  
19 the motion and for all counsel to appear at the hearing.

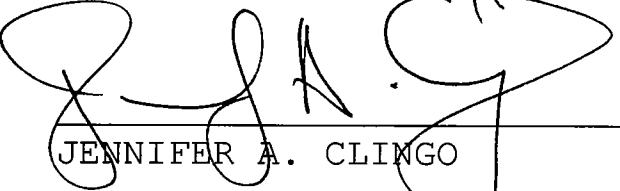
20 6. Additionally, our office has forwarded the  
21 defendant's Motion to Quash Subpoena to Google, Inc.  
22 The subpoenaed party is not producing documents in  
23 response to the subpoena until this Court rules upon the  
24 defendant's motion. As such, there is no prejudice or  
25 unreasonable delay that will be caused by the  
26 continuance.

27 7. Based on the expedited notice and that all  
28 counsel agree to a continuance, good cause exists for a

1 continuance of the hearing for the defendant's motion  
2 until the Court's next available date during the week of  
3 July 7, 2009.

4 I declare under penalty of perjury under the laws of  
5 the State of California that the foregoing is true and  
6 correct.

7 Executed this 22<sup>nd</sup> day of June, 2009 at Los Angeles,  
8 California.

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10 JENNIFER A. CLINGO  
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